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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,975	06/11/1999	ANDREW EDWARD RYAN	UDL-078	1088

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,975

Applicant(s)

RYAN, ANDREW EDWARD

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This action is responsive to Amendment & Declaration filed on 11/26/2004.

Claims 1-30 are presented for examination.

2. Declaration by Mr. Wolff is not accepted for proof of conception and reduction to practice before the critical date of May 28, 1999 (the filing date of US Patent Cote). Under 37 CFR 1.131 evidence of conception must be provided by the inventor(s).

Mr. Wolff's declaration is not sufficient because the evidence does not meet the standard of enablement under 35 USC 112. A proposed claim in and of itself is not proof that applicant was in complete possession of the invention. Applicant may wish to consider filing a 131 affidavit along with a written specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (US 5,608,387), in view of Cote (US 6,690,830).

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5. Davies was cited in IDS, PTO-1449 (paper #2).

6. As to claims 1, 14, 16 and 29, Davies discloses substantially as claimed, including a distributed client/server computer network (col. 8, lines 3-4 and 24-26), said network comprising:

a client (31-34, 36, 41, 42, 44, 45, 51-53, 55, 64, 65, fig. 4; col. 5, line 40 – col. 6, line 33); and a remote server (61-63, 66, 67, fig. 4; col. 4, lines 20-23; col. 6, lines 34-48; col. 8, lines 24-26);

means for displaying at least two of said complex images (fig. 2; col. 4, lines 14-17 and 41-53; col. 5, lines 1-21);

means for selecting at least one complex image from said complex images displayed (col. 3, lines 8-16; col. 4, lines 46-58; col. 5, lines 11-21; col. 7, lines 5-18);

means for determining by said remote server, from the identity of each complex image selected, whether the client is authorized to gain access, via the remote server, to a network resource (col. 1, lines 9-10; col. 5, lines 58-61; col. 6, lines 38-42).

7. Davies discloses the client receives a plurality of complex images, each of said complex images having an identity from the server and displays the information on the client display (fig. 2; col. 4, lines 41-53; col. 5, lines 1-21). However, Davies does not specifically disclose non-volatile means in said client for storing a plurality of complex images, each of said complex images having an identity. Cote discloses non-volatile means in said client for storing a plurality of complex images (col. 4, lines 29-34; col. 11,

lines 4-7). It would have been obvious to one of ordinary skill in the art the time the invention was made at the time the invention was made to combine the teachings of Davies and Cote because Cote's non-volatile memory at client would increase the capability of Davies's system by adding the memory to the client device.

Davies discloses client selecting a complex image displayed on the client's I/O devices (col. 3, lines 8-16; col. 4, lines 46-58; col. 5, lines 11-21; col. 7, lines 5-18), and then server checking the identity of the complex image selected by the client (col. 6, lines 31-42; col. 1, lines 9-10; col. 5, lines 58-61). However, Davies does not specifically disclose means for transmitting the identity of said selected complex image or images from client to said remote server. It would have been obvious to one of ordinary skill in the art the time the invention was made to include transmitting the data from client to the server because without sending the data to the server, the server can not able to determine whether the client is allowed or denied to access the resource (Davies, col. 2, lines 26-35; col. 5, lines 58-61; col. 6, lines 38-42). Furthermore, Cote discloses means for transmitting the identity of said selected complex image or images from client to said remote server (col. 3, lines 41-45; col. 9, lines 58-60; col. 10, lines 53-55; col. 11, lines 40-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Davies and Cote because Cote's transmitting the identity only would provide rapid transmission of the complex image and reduce the bandwidth.

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8. As to claim 2, Davies discloses at least one key image and at least one dummy image, access to the network resource being gained by the client by selecting the or each key image in preference to the or each dummy image (col. 4, lines 20-23).

9. As to claims 3, Davies discloses the order in which two or more images are selected is used to determine whether the client is authorized to gain access to the resource (col. 4, lines 32-40).

10. As to claims 4, 6, 7 and 9-11, Davies discloses the dummy images comprise a subset of the reminder of the plurality of images from which the or each key image is chosen (col. 3, lines 8-16); and an alternative set of images to those from which the key image or images are chosen, but which images bear a resemblance to the key image or images (col. 7, lines 61-65).

11. As to claim 5, 8 and 15, Davies discloses the plurality of images are down-loaded from the server to the client (fig. 2; col. 4, lines 41-53; col. 5, lines 1-21).

12. As to claims 12 and 13, Davies discloses the order in which two or more images are chosen determines the order in which the images must subsequently be selected (col. 8, lines 52-61).

13. As to claims 17-28 and 30, they are rejected for the same reasons set forth in

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claims 1-16 above.

14. Applicant's arguments filed 11/26/2004 have been fully considered but they are not persuasive.

15. In the remarks, the applicant argued in substance that:

(1) Cote has nothing to do with network security or passwords.

(2) The Declaration and Exhibits clearly establish that the present invention predates the earliest filing date of the Cote reference, thus eliminating the Cote reference as prior art.

16. Examiner respectfully traverses applicant's remarks:

As to point (1), In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., network security or passwords) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

17. As to point (2), Declaration by Mr. Wolff is not accepted for proof of conception and reduction to practice before the critical date of May 28, 1999 (the filing date of US Patent Cote). Under 37 CFR 1.131 evidence of conception must be provided by the

inventor(s).

Mr. Wolff's declaration is not sufficient because the evidence does not meet the standard of enablement under 35 USC 112. A proposed claim in and of itself is not proof that applicant was in complete possession of the invention. Applicant may wish to consider filing a 131 affidavit along with a written specification.

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
February 25, 2005



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100